

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

BYRON MEEKS,

Plaintiff,

v.

**Criminal Action No. 1:19-CV-144
(JUDGE KEELEY)**

**JOE MARTIN,
ROB McCLUNG, and
TOM JOYCE,**

Defendants.

REPORT AND RECOMMENDATION

This matter is before the undersigned pursuant to a Referral Order entered by Honorable Senior United States District Judge Irene M. Keeley on August 1, 2019 (ECF No. 5). On July 31, 2019, the Plaintiff, Byron Meeks, proceeding *pro se*, filed his Complaint with this Court (ECF No. 1) seeking an injunction against Defendants Joe Martin, Rob McClung, and Tom Joyce. In his Complaint, Plaintiff alleges that he has been continuously harassed by the Defendants following the dismissal of a criminal case against him for destruction of property in Wood County Magistrate Court, Case Number 18-M54M-01115. Plaintiff further alleges violations of the Racketeer Influenced and Corrupt Organizations Act (“RICO”) against the Defendants under Title 18, United States Code, Section 1961 (ECF No. 1 at 2).

Plaintiff is a resident of Parkersburg in Wood County, West Virginia. All acts giving rise to Plaintiff’s Complaint appear to have occurred in Wood County, West Virginia. All named Defendants are also residents of Parkersburg in Wood County, West Virginia. Wood County does not lie in the Northern District of West Virginia, but rather in the Southern District of West Virginia. Accordingly, because this action arose in the Southern District of West Virginia and all parties are to be found in the Southern District of West Virginia, the undersigned is of the opinion that this Court

does not have jurisdiction and this action should be transferred to the Southern District of West Virginia.

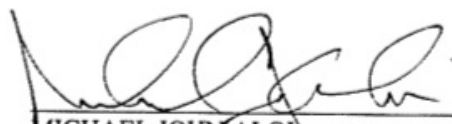
The undersigned therefore **RECOMMENDS** that this action be transferred, pursuant to Title 28, United States Code, Section 1404(a), to the docket of the United States District Court for the Southern District of West Virginia for all further proceedings.

Any party shall, within fourteen (14) days after being served with a copy of this Report and Recommendation, file with the Clerk of the Court **specific written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection.** A copy of such objections should also be submitted to the Honorable Irene M. Keeley, United States District Judge. Objections shall not exceed ten (10) typewritten pages or twenty (20) handwritten pages, including exhibits, unless accompanied by a motion for leave to exceed the page limitations, consistent with LR PL P 12.

Failure to timely file written objections to the Report and Recommendation as set forth above shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).

The Court directs the Clerk of the Court to provide a copy of this Order to any parties who appear *pro se* and all counsel of record, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

Respectfully submitted on August 5, 2019.


MICHAEL JOHN ALO
UNITED STATES MAGISTRATE JUDGE